IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3347 OF 2004

Parya @ Parvati Jagu Bhosale .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.V.V.Purwant for the applicant.
Mr.R.Y.Mirza APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 23RD AUGUST, 2004

P.C.:

. Heard Mr.Purwant, learned counsel for the applicant and Mr.Mirza, learned A.P.P. for the respondent.

2. The applicant is involved in C.R.No.44/2002 registered at Daund Railway police station under sections 457, 380 and 394 of Indian Penal Code. It is the prosecution case that the applicant who was granted judicial custody by the J.M.F.C. Daund, District Pune in some other case is alleged to have pushed one of the constables out of the train and jumped from the train and fled when he was being taken to Yerwada Central Prison by two constables in the train. The constable who was pushed by the

applicant ultimately succumbed to the injuries. After the alleged incident the applicant was absconding for quite long time. He seems to be habitual offender. The manner in which the applicant committed the alleged crime while in custody he does not deserve discretionary relief under section 439 of Criminal Procedure Code. The application is rejected.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)